

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Division 1, Chapter 4, Subchapter 4, Article 32,  
Section 1742 of the Construction Safety Orders

**Definitions of "Manifold" and "Header"****MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM  
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

**SUMMARY AND RESPONSES TO ORAL AND WRITTEN COMMENTS****I. Written Comments**

Mr. Ken Nishiyama Atha, Regional Administrator, Region IX, OSHA, U.S. Department of Labor, by letter dated August 3, 2010.

**Comment:**

Mr. Atha commented that Federal OSHA has reviewed the proposal and found it to be at least as effective as the corresponding federal standard.

**Response:**

The Board thanks Mr. Atha for his comment and participation in the Board's rulemaking process.

**II. Oral Comments and Board Members' Dialog**

There were no oral comments received from the regulated public at the August 19, 2010 Public Hearing in Sacramento, California. Upon considering the proposal, individual Board Members had the following concerns which are addressed in the responses.

Mr. Bill Jackson, Board Member

Comment:

Mr. Jackson asked whether it is appropriate to place the definitions portion of the proposal in subsection (e) rather than placing them with the other definitions applicable to the Construction Safety Orders. He stated that some stakeholders might expect to find definitions in the provision entitled "Definitions" rather than in the body of a subsection, and he said that this issue should be considered in the Final Statement of Reasons.

Response:

The Board believes that, because of the particular relevance of these definitions to Section 1742, the regulated public is aided by having these definitions in Section 1742, rather than having to look for a definition elsewhere - i.e., in a "definition" provision that might be hard to find. Also, it is noted that aid in finding the definitions in Section 1742 maybe provided by the Board's searchable on-line Title 8 index.

Mr. Jack Kastorff, Board Member

Comment:

Mr. Kastorff asked whether it is the intent of the regulation to require oxygen and acetylene bottles on a cart be capped at all times when not in use. He also expressed concern that taking the caps on or off gas cylinders on a cart presents more of a hazard than the common industry practice of leaving the caps off.

Response:

The Board notes that the first sentence of Section 1742(e) was not proposed for amendment. Therefore, this comment is beyond the scope of this rulemaking. Nonetheless, it is noted that capping manifold and header hose connections when not actively in use provides increased protection from potential ignition sources which could ignite the gas and trigger a fire and/or explosion.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standards. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.